

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 28, 1998**

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., Dunn, J.  
(Assigned), and S. Beaux and S. Veverka, Deputy Clerks.

B107873     Perez  
                 v.  
                 Prestige Stations Inc.

Merits:  
Argued by M. Reed Hunter for respondent and no appearance for appellant.  
Cause submitted.

B109553     Ford  
                 v.  
                 Gold

Merits:  
There being no appearance for appellant and respondent having waived  
argument. Argument waived, cause submitted.

B109739     Zellers  
                 v.  
                 Playa Pacific, Ltd.

Merits:  
Argued by Herbert Colden for appellant and no appearance for respondent.  
Cause submitted.

DIVISION ONE (Continued)

B091526     Del Prete  
               v.  
               Famularo

Merits:  
Argued by Sandra L. Miller for respondent and no appearance for appellant.  
Cause submitted.

B107237     Cox et al.  
               v.  
               McDonnell Douglas Corp.

Merits:  
Argued by Douglas Hatchimonji for appellants and by Mark H. Herskovitz  
for respondent. Cause submitted.

B107899     Montgomery  
               v.  
               Cal Accountants Mutual Insurance Co.

Merits:  
Argued by Ira Jacoves for appellant and by Scott M. Kolod for respondent.  
Cause submitted.

B111992     Jackson  
               v.  
               APT Medical Transportation Co. Inc.

Merits:  
Argued by Alan Fenster for appellant and no appearance for respondent.  
Cause submitted.

DIVISION ONE (Continued)

B109223     Taylor  
              v.  
              Aames Home Loan et al.

Merits:  
Argued by Mark Strom for appellant and by Christine Samsel for  
respondents. Cause submitted.

B109193     Harris et al.  
              v.  
              Everen Securities, Inc.

Merits:  
Argued by John F. Eyrich for appellants and by Jon L. Rewinski for  
respondent. Cause submitted.

B114138     Rosenbaum  
              v.  
              Transamerica Occidental Life Insurance

Merits:  
Argued by Daniel M. Toll for appellant and by Michael G. Glanzberg for  
respondent. Cause submitted.

B109044     Sully-Miller Contracting Company  
              v.  
              Kasler Corporation et al.

Merits:  
Argued by Joseph C. Malpasuto for appellants and by Curtiss D. Bonneville  
for respondent. Cause submitted.

DIVISION ONE (Continued)

B110811 Leonard Green & Partners

v.

Wachtell

Merits:

Argued by Robert Palmer for appellant and by Dean Kitchens for respondent. Cause submitted.

Dunn, J. (Assigned) leaves the bench.

B092479 Aka

v.

Aka

Merits:

Argued by Wilfred I. Aka for appellant and by Ogochukwu O. Aka for respondent. Cause submitted.

Justice Masterson leaves the bench.

B112722 Oltman

v.

Boland et al.

Merits:

Cause called and there being no appearances by either party, the cause is dismissed as having been settled.

B100692 Harrison et al.

v.

O'Brien

Merits:

Argued by Bruce Adelstein for appellant and by Bertram Fields for respondents. Cause submitted.

Court adjourned.

## January 28, 1998-Continued

## DIVISION ONE (Continued)

B109694 People (Not for Publication)  
v.  
Gomes

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

B110978      People                          (Not for Publication)  
v.  
Hall

The orders and the judgment are affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

B115902      Howard L. et al.      (Not for Publication)  
v.  
S.C.L.A.  
DCFS

The Court:

The petition is denied. The requests for sanctions are denied.

Spencer, P.J., Vogel (Miriam A.), J., Masterson, J.

## January 28, 1998-Continued

## DIVISION ONE (Continued)

B109567 Metropolitan Stevedore Co., Inc. (Not for Publication)  
v.  
Borg-Warner Protective Services, Inc.

The judgment is affirmed. Burns is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B111210 People (Not for Publication)  
v.  
Moore

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

## January 28, 1998-Continued

## DIVISION FOUR

[illegible]

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Hastings, J., Baron, J.

B106712 People (Not for Publication)  
v.  
Trujillo

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B105632      People                          (Not for Publication)  
v.  
Lee

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

## January 28, 1998-Continued

## DIVISION FOUR (Continued)

B109147 People (Not for Publication)  
v.  
David R.

The Court:

We vacate the juvenile court's order of December 12, 1996 (imposing forthwith the stayed Youth Authority commitment), and remand for further proceedings in accord with this opinion.

Vogel (C.S.), P.J., Epstein, J., Baron, J.

B111898 People (Not for Publication)  
v.  
Javier F.

### The Court:

The order finding that appellant waived his rights to supplement petition proceedings pursuant to Welfare and Institutions Code section 777, and lifting the stay on the camp order is vacated and the matter remanded for further proceedings in accord with this opinion.

Vogel (C.S.), P.J., Epstein, J., Baron, J.

B112935 People (Not for Publication)  
v.  
Reginald O.

### The Court:

We affirm the order of the juvenile court's sustaining the petition filed against appellant in this matter.

Epstein, Acting P.J., Hastings, J., Baron, J.



## January 28, 1998-Continued

## DIVISION SIX

B114310 People (Not for Publication)  
v.  
Luis S.

The order is affirmed.

Gilbert, J.

We concur:   Stone, P.J.  
                      Coffee, J.

B112956 Nelson (Certified for Publication)  
v.  
Gorian & Associates, et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Yegan, J.

We concur:   Stone, P.J.  
                      Coffee, J.

B113169 Domenghini (Certified for Publication)  
v.  
Evans

The judgment is affirmed. Costs to respondents.

Yegan, J.

We concur:    Stone, P.J.  
                         Gilbert, J.

January 28, 1998-Continued

## DIVISION SIX (Continued)

B098397      Hussain                                  (Not for Publication)  
v.  
National Convenience Stores, Inc.

The judgments entered in favor of Frey and Tanknology are affirmed. With respect to respondent NCS, the judgment is reversed. The trial court is directed to vacate its order granting NCS's motion for summary judgment. It is further directed to enter a new order granting the motion for summary adjudication with respect to the fourth, sixth, eighth and twelfth through twenty-fourth causes of action alleged in appellants' first amended complaint, and denying the motion with respect to the first, second, third, fifth, seventh, ninth, tenth and eleventh causes of action. Costs to appellants.

Yegan, J.

We concur: Gilbert, Acting P.J.  
Coffee, J.

## DIVISION SEVEN

B112707      The Canada Life Assurance Company      (Not for Publication)  
v.  
Thrifty Jr., Inc.

The judgment is reversed and upon remand the trial court is directed to deny Canada Life's motion for summary adjudication and grant Thrifty's motion for summary judgment. Thrifty is entitled to costs on appeal.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

DIVISION SEVEN (Continued)

B107818      Gohar      (Not for Publication)  
v.  
Long Beach Memorial Medical Center

The judgment of dismissal is reversed and remanded. The trial court is directed to vacate the judgment and order of dismissal and the order sustaining LBMMC's demurrer without leave to amend, and enter in its place an order sustaining LBMMC's demurrer with leave to amend. Gohar is entitled to amend his action as prescribed in Code of Civil Procedure section 472b to state a proper cause of action under administrative mandamus. If Gohar fails to file an amended action, the original judgment of dismissal will be reinstated. The parties will bear their own costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                      Woods, J.

[illegible]

The portion of the order of December 13, 1996, awarding Janice Martin sanctions is reversed and remanded to the trial court to either (1) enter a new sanctions order in accordance with Code of Civil Procedure section 128.5, subdivision (c), or, in the alternative, (2) vacate the imposition of sanctions. In all other respects, the order is affirmed. Appellant shall bear his own costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                          Woods, J.

## DIVISION SEVEN (Continued)

B108284      People      (Not for Publication)  
v.  
Ross

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.

B116233 In re Christina C. & Luis Albert C., minors (Not for Publication)

Rosemary C.  
v.  
Superior Court, Los Angeles County  
(County of Los Angeles, D.C.F.S., r.p.i.)

The petition is denied on the merits.

Lillie, P.J.

We concur: Woods, J.  
Neal, J.

January 28, 1998-Continued

## DIVISION SEVEN (Continued)

B111599 People (Not for Publication)  
v.  
Rodriguez

The judgment is affirmed.

Lillie, P.J.

We concur:   Johnson, J.  
                      Neal, J.